

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA

**WILLIAM B. FORTNER,**  
**Bar No. 004923**

RESPONDENT.

) Supreme Court  
) No. SB-03-0144-D  
)  
) Disciplinary Commission  
) Nos. 00-1999, 02-0790, 02-2093,  
) 03-0097  
)  
)  
)

**JUDGMENT AND ORDER**

**FILED**

DEC - 8 2003

NOEL K. DESSAINT  
CLERK SUPREME COURT  
BY

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and no discretionary or *sua sponte* review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **WILLIAM B. FORTNER**, a member of the State Bar of Arizona, is hereby censured for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **WILLIAM B. FORTNER** shall be placed on probation for a period of two (2) years. The terms of probation are as follows:

- 1) Respondent shall, within thirty (30) days of the Supreme Court's final judgment and order, contact the director of the Law Office Management Assistance Program (LOMAP) to schedule an audit of his law office. The LOMAP director or designee will conduct an audit of Respondent's law office no later than sixty (60) days thereafter. Following the audit, Respondent shall enter into a Memorandum of Understanding that will be effective for a period of two (2) years from the date upon which all parties have signed the Memorandum. Respondent shall comply with all recommendations of the LOMAP director or her designee.
- 2) Respondent shall find a practice monitor who shall be approved by the State Bar. The practice monitor shall be an attorney who will supervise Respondent's quality of services rendered, Respondent's supervision of non-attorney staff and Respondent's supervision of his trust account. The practice monitor shall submit quarterly reports to the State Bar, and the practice monitor will agree to report to the State Bar and manifestation or relapse, unusual behavior, or conduct falling below minimum standards of the profession as set forth in the Rules of Professional Conduct, Rule 42, Ariz. R. S. Ct.
- 3) Respondent shall be responsible for the costs and expenses associated with his participation in the LOMAP program.

- 4) In the event Respondent fails to comply with any of the foregoing terms and information thereof is received by the State Bar, bar counsel shall file a Notice of Non-Compliance with the Disciplinary Commission. The Disciplinary Commission may refer the matter to a hearing officer to conduct a hearing at the earliest possible date, but in no event later than thirty (30) days following receipt of said notice. If the matter is referred to a hearing officer, the hearing officer shall determine whether the terms of probation have been breached, and if so, to recommend appropriate action and response to such breach.
- 5) If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar to prove non-compliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **WILLIAM B. FORTNER** for costs and expenses of these proceedings in the amount of \$1,263.00, together with interest at the legal rate from the date of this judgment.

DATED this 8th day of December, 2003.



NOËL K. DESSAINT, Clerk

TO:

William B. Fortner, Respondent (Certified Mail, Return Receipt)

J. Scott Rhodes, Respondent's Counsel

Karen Clark, Senior Bar Counsel

Douglas M. Brooks, Clerk, Disciplinary Commission (Cert. Copy)

Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)

Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)

Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)

West Publishing Company (Jode Ottman)

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/kdl

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST

Noel K. Dessaint, Clerk of the Supreme Court  
State of Arizona

By Karen Sedro Deputy